

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARLOS PERALTA,	:	CIVIL ACTION
Plaintiff	:	
v.	:	
	:	
NANCY A. BERRYHILL,	:	
Acting Commissioner of the	:	
Social Security Administration,	:	
Defendant	:	NO. 18-4346

MEMORANDUM

CAROL SANDRA MOORE WELLS
UNITED STATES MAGISTRATE JUDGE

May 22, 2019

Carlos Peralta (“Plaintiff”) seeks judicial review, pursuant to 42 U.S.C. § 405(g), of the final decision of the Commissioner of the Social Security Administration (“the Commissioner”). In his request for review, Plaintiff raises four assertions of error, some with subparts. The Commissioner has filed an amended motion to remand this case, conceding that the administrative law judge (“ALJ”) in this case failed to (1) resolve a conflict between the vocational expert’s testimony and the Dictionary of Occupational Titles, (2) evaluate properly whether Plaintiff’s use of a cane was medically necessary, and (3) determine whether any additional restrictions to Plaintiff’s residual functional capacity were warranted, because of his use of a cane. Document No. 22 at 1. The Commissioner requests that this court reverse her final decision and remand the case so that the Appeals Council can correct the identified errors, by directing an ALJ to further evaluate Plaintiff’s disability claim. *Id.* at 2. The Commissioner represents that Plaintiff, through his attorney, consents to the Commissioner’s request. *Id.*

Inasmuch as the Commissioner has acknowledged that the ALJ committed multiple errors when evaluating Plaintiff's disability claim, this court is able to order the requested remand, pursuant to **sentence four** of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991). Additionally, since both parties agree to it, this court will order a remand.

An implementing Order follows.